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Attorneys for Plaintiffs  
THOMAS I. MCKNEW and LISA A. MCKNEW

UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SANTA ANA DIVISION

In re:

DAVID ALLEN WILSON,  
Debtor.

THOMAS I. MCKNEW, IV and LISA  
A. MCKNEW, individually and as  
Trustees of the MCKNEW FAMILY  
TRUST DATED MAY 21, 2004,

Plaintiffs,

v.

DAVID ALLEN WILSON,

Defendant.

Case No. 8:23-bk-10094-SC  
Chapter 7

Adv. Case No. 8:23-ap-01034-SC

Assigned for all purposes to:  
Honorable Scott Clarkson

**STATUS REPORT**

Status Conference

Date: September 12, 2023

Time: 1:30 p.m.

Place: Courtroom 5C

411 W. Fourth Street  
Santa Ana, CA 92701

1 Plaintiffs Thomas I. McKnew and Lisa A. McKnew (collectively, "Plaintiffs") submit the  
2 following status report in advance of the status conference scheduled to take place on September  
3 12, 2023:

4 In this adversary proceeding, Plaintiffs seek a determination of non-dischargeability of a  
5 judgment entered by the United States Bankruptcy Court in April 2014 (the "Judgment"). The  
6 Judgment provides that it is non-dischargeable pursuant to 11 U.S.C. § 523(a)(2)(A).

7 The initial status conference in this proceeding took place on July 18, 2023. The Court's  
8 tentative ruling issued before the status conference, which became the Court's final ruling, states,  
9 in pertinent part:

10 ... the Court is inclined to CONTINUE this status conference and issue an order to  
11 show cause (OSC) why this complaint should not be dismissed as a matter of law.  
12 Pursuant to 11 U.S.C. § 523(b), debts excepted from discharge under § 523(a) are not  
13 dischargeable. Moreover, "a determination of nondischargeability in one bankruptcy  
14 case bars redetermination of that issue in a subsequent bankruptcy case. In other words,  
once nondischargeable, always nondischargeable." *Bankruptcy Recovery Network v.*  
*Garcia (In re Garcia)*, 313 B.R. 307, 310 (9<sup>th</sup> Cir. B.A.P. 2004) (internal quotations and  
citations omitted).

15 Given the Ruling and further given that the Judgment is automatically non-dischargeable  
16 pursuant to 11 U.S.C. § 523(b), Plaintiffs intend to file an appropriate motion before the status  
17 conference scheduled for September 12, 2023.

18  
19 Dated: August 29, 2023

20 WALLIN & RUSSELL LLP

21  
22 By

/s/ Michael Wallin

MICHAEL WALLIN

Attorneys for Plaintiffs

THOMAS I. MCKNEW, IV and

LISA A. MCKNEW

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
26000 TOWNE CENTRE DRIVE, SUITE 130, FOOTHILL RANCH, CA 92610

A true and correct copy of the foregoing document entitled (*specify*): STATUS REPORT

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 08/29/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) 08/29/2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

08/29/2023  
*Date*

Michael Wallin  
*Printed Name*

/s/ Michael Wallin  
*Signature*

**SERVED VIA NOTICE OF ELECTRONIC FILING:**

- **Richard A Marshack (TR)** pkraus@marshackhays.com,  
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- **United States Trustee (SA)** ustpreion16.sa.ecf@usdoj.gov

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